

AGN. NO.

MOTION BY SUPERVISORS HILDA L. SOLIS
AND SHEILA KUEHL

April 14, 2020

Expansion of Tenant Protections During the COVID-19 Crisis to Preserve and Increase Housing Security and Stability and Prevent Further Homelessness

On March 4, 2020, the Los Angeles County (County) Board of Supervisors (Board) proclaimed the existence of a local health emergency due to the novel coronavirus (COVID-19 emergency). On March 19, 2020, pursuant to California Government Code Section 8550 and Los Angeles County Code (Code) Section 2.68.150, the Chair of the Board issued an Executive Order, which among other actions, placed a temporary moratorium on evictions for non-payment of rent by residential or commercial tenants in unincorporated areas impacted by COVID-19 (Moratorium). On March 31, 2020, the Board of Supervisors ratified this Executive Order, which will be in effect from March 4, 2020 through May 31, 2020 (Moratorium Period), unless extended further, and amended the ratified Executive Order to include a ban on rent increases in the unincorporated County to the extent permitted by State law and consistent with Chapter 8.52 of the County Code. The Moratorium will provide timely and necessary relief to tenants who are struggling due to the economic repercussions of the COVID-19 emergency. However, the

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following additional policies and modifications should be adopted to preserve and increase housing security and stability and to prevent Los Angeles County residents from falling into homelessness due to this crisis, for the preservation of life and property.

WE, THEREFORE, MOVE that the Board of Supervisors adopt the Resolution to amend the Executive Order in order to:

1. Include a temporary moratorium on evictions for non-payment of space rent for mobilehome owners who rent space in mobilehome parks;
2. Expand to all jurisdictions within the County of Los Angeles pursuant to Government Code section 8630, et seq. and Chapter 2.68 of the County Code with considerations for cities that already have local eviction moratoria in place;
3. Prohibit rent increases for residential units and mobilehome owners from March 4, 2020 through May 31, 2020, unless extended further, to the extent permitted by State law and consistent with Chapters 8.52 and 8.57 of the County Code. The Executive Order shall also prohibit a landlord from imposing any new pass-throughs or charging interest and/or late fees for unpaid rent during the Moratorium Period, and bar landlords from attempting to collect interest and late fees incurred during this Moratorium Period following the termination of the Executive Order;
4. Encourage landlords and tenants to agree on a payment plan that would allow landlords to accept partial rent payments during the Moratorium if tenants are able to make such payments;

5. Extend the repayment period from six (6) months to 12 months following the end of the Moratorium Period;
6. Further define financial impact and relation to COVID-19, as well as prohibit an eviction during the Moratorium Period based on the presence of unauthorized occupants, pets, or nuisance necessitated by or related to the COVID-19 emergency;
7. Allow tenants to provide and require landlords to accept a self-certification of a tenant's inability to pay rent and to provide notice to the landlord to that effect;
8. Prohibit landlords, and those acting on their behalf, from harassing or intimidating tenants for acts or omissions expressly permitted under the Executive Order, as amended, and the attached Resolution; and
9. Address the County's public policy and intent to close certain businesses to protect public health, safety and welfare, and the County recognizes that the interruption of any business will cause loss of and damage to the business. Therefore, the County finds and declares that the closure of these businesses is mandated for the public health, safety and welfare and that the physical loss of and damage to businesses is resulting from the shutdown and that these businesses have lost the use of their property and are not functioning as intended.

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**RESOLUTION OF THE BOARD OF SUPERVISORS
AMENDING THE EXECUTIVE ORDER FOR AN EVICTION MORATORIUM DURING
THE COVID-19 LOCAL EMERGENCY RATIFIED ON MARCH 31, 2020**

WHEREAS, on March 4, 2020, the Chair of the Los Angeles County Board of Supervisors ("Board") proclaimed, pursuant to Chapter 2.68 of the Los Angeles County Code, and the Board ratified that same day, the existence of a local emergency because the County of Los Angeles ("County") is affected by a public calamity due to conditions of disaster or extreme peril to the safety of persons and property arising as a result of the introduction of the novel coronavirus ("COVID-19") in Los Angeles County;

WHEREAS, also on March 4, 2020, the County Health Officer determined that there is an imminent and proximate threat to the public health from the introduction of COVID-19 in Los Angeles County, and concurrently declared a Local Health Emergency;

WHEREAS, on March 16, 2020, Governor Newsom issued Executive Order N-28-20 that authorizes local governments to halt evictions for renters, encourages financial institutions to slow foreclosures, and protects renters and homeowners against utility shutoffs for Californians affected by COVID-19;

WHEREAS, on March 19, 2020, the Chair of the Board issued an Executive Order ("Executive Order") that imposed a temporary moratorium on evictions for non-payment of rent by residential or commercial tenants impacted by COVID-19 ("Moratorium"), commencing March 4, 2020 through March 31, 2020 ("Moratorium Period");

WHEREAS, on March 21, 2020, due to the continued rapid spread of COVID-19 and the need to protect the community, the County Health Officer issued a revised Safer at Home Order for Control of COVID-19 ("Safer at Home Order") prohibiting all events and gatherings and closing non-essential businesses and areas until April 19, 2020;

WHEREAS, on March 27, 2020, Governor Newsom issued Executive Order N-37-20 extending the period for response by tenants to unlawful detainer actions and prohibiting evictions of tenants who satisfy the requirements of Executive Order N-37-20;

WHEREAS, on March 31, 2020, the Board ratified the County's Executive Order and amended the ratified Executive Order to include a ban on rent increases in the unincorporated County to the extent permitted by State law and consistent with Chapter 8.52 of the County Code;

WHEREAS, on April 6, 2020, the California Judicial Council, the policymaking body of the California courts, issued eleven temporary emergency measures, of which Rules 1 and 2 effectively provide for a moratorium on all evictions and judicial foreclosures;

WHEREAS, COVID-19 is causing and is expected to continue to cause serious financial impacts to Los Angeles County residents and businesses, including the substantial loss of income due to illness, business closures, loss of employment, or reduced hours, impeding their ability to pay rent;

WHEREAS, displacing residential and commercial tenants who are unable to pay rent due to such financial impacts will worsen the present crisis by making it difficult for them to comply with the Safer at Home Order, thereby placing tenants and many others at great risk;

WHEREAS, while it is the County's public policy and intent to close certain businesses to protect public health, safety and welfare, the County recognizes that the interruption of any business will cause loss of and damage to the business. Therefore, the County finds and declares that the closure of these businesses is mandated for the public health, safety and welfare and that the physical loss of and damage to businesses is resulting from the shutdown and that these businesses have lost the use of their property and are not functioning as intended;

WHEREAS because homelessness and instability can exacerbate vulnerability to, and the spread of, COVID-19, the County must take measures to preserve and increase housing security and stability for Los Angeles County residents to protect public health;

WHEREAS, a County-wide approach to restricting displacement is necessary to accomplish the public health goals of limiting the spread of the COVID-19 virus as set forth in the Safer at Home Order;

WHEREAS, based on the County's authority during a state of emergency pursuant to Government Code section 8630, et seq. and Chapter 2.68 of the County Code, the County may issue orders to all incorporated cities within the County to provide for the protection of life and property, where necessary to preserve the public order and safety; and

WHEREAS, due to the continued, rapid spread of COVID-19 and the need to preserve life and property, the County has determined that continued evictions in the County and all of its incorporated cities during this COVID-19 crisis would severely impact the health, safety and welfare of County residents.

NOW, THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES DOES HEREBY PROCLAIM, RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1: The Executive Order is hereby amended to also include a temporary moratorium on eviction for non-payment of space rent on mobilehome owners who rent space in mobilehome parks. This Executive Order is expanded to include all incorporated cities within the County of Los Angeles pursuant to Government Code section 8630, et

seq. and Chapter 2.68 of the County Code, exempting cities that have local eviction moratoria in place.

SECTION 2: The Executive Order has been ratified and amended to prohibit rent increases for residential units and mobilehome owners in the unincorporated County during the Moratorium Period, unless extended, to the extent permitted by State law and consistent with Chapters 8.52 and 8.57 of the County Code. The Executive Order, also prohibits a landlord from imposing any new pass-throughs permitted in Chapters 8.52 and 8.57 of the County Code or charging interest or late fees on unpaid rent during the Moratorium Period, and bars landlords from attempting to collect any interest and late fees incurred during this Moratorium Period following the termination of the Moratorium.

SECTION 3: The Executive Order hereby amends Paragraph 1.b to read as follows: "For purposes of this Executive Order, 'financial impacts' means substantial loss of household income or loss of revenue or business for commercial tenants due to business closure, loss of compensable hours of work or wages, layoffs, or extraordinary out-of-pocket medical expenses. A financial impact is "related to COVID-19" if it was a result of any of the following: (1) suspected or confirmed case of COVID-19, or caring for a household or family member who is suspected or confirmed with COVID-19; (2) lay-off, loss of hours, or other income reduction resulting from business closure or other economic or employer impacts of COVID-19; (3) compliance with a recommendation from the County's Health Officer to stay home, self-quarantine, or avoid congregating with others during the state of emergency; (4) extraordinary out-of-pocket medical expenses related to diagnosis and testing for and/or treatment of COVID-19; or (5) child care needs arising from school closures related to COVID-19. No landlord shall initiate an eviction proceeding during the Moratorium Period for unauthorized occupants, pets or nuisance as necessitated by or related to the COVID-19 emergency. For purposes of this Executive Order, a commercial tenant includes, but is not limited to, a tenant using a property as a storage facility or for commercial purposes."

SECTION 4: The Executive Order hereby amends Paragraph 1.e to read as follows: "Tenants shall have twelve (12) months following the end of the Moratorium Period to pay the Landlord any amounts due and owing pursuant to Paragraph I. Tenants and Landlords are encouraged to agree to a payment plan during this twelve-month period, but nothing in this Executive Order shall be construed to prevent a Landlord from requesting and accepting partial rent payments, or a Tenant from making such payments, during the twelve-month period if the Tenant is financially able to do so. Tenant may provide and Landlord must accept a self-certification of Tenant's inability to pay rent and to provide notice to the Landlord to that effect."

SECTION 5: The Executive Order is hereby amended to prohibit landlords, and those acting on their behalf, from harassing or intimidating tenants for acts or omissions by tenant expressly permitted under the Executive Order, as amended, and this Resolution.

SECTION 6: The Executive Order is hereby amended to address the County's public policy and intent to close certain businesses to protect public health, safety and welfare, and the County recognizes that the interruption of any business will cause loss of and damage to the business. Therefore, the County finds and declares that the closure of these businesses is mandated for the public health, safety and welfare and that the physical loss of and damage to businesses is resulting from the shutdown and that these businesses have lost the use of their property and are not functioning as intended.

SECTION 7: That this Resolution shall take effect immediately upon its passage and shall remain in effect until May 31, 2020, unless extended or repealed by the Board of Supervisors, or its designee.

The foregoing Resolution was adopted on the ____ day of _____ 2020, by the Board of Supervisors of the County of Los Angeles.

Board of Supervisors of the
County of Los Angeles

By _____
Chair

APPROVED AS TO FORM:

MARY C. WICKHAM
County Counsel

By: _____
Deputy